

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 21-174 (NEB/DTS)

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM HOWARD PROTO, JR.,

Defendant.

SUPERSEDING INDICTMENT

18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(a)(2)
18 U.S.C. § 924(c)(1)(A)
18 U.S.C. § 924(d)(1)
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(A)
21 U.S.C. § 853
28 U.S.C. § 2461(c)

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

(Possession with Intent To Distribute a Controlled Substance)

On or about June 29, 2021, in the State and District of Minnesota, the defendant,

WILLIAM HOWARD PROTO, JR.,

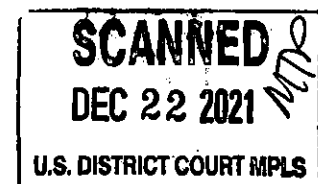
did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 2

(Felon in Possession of a Firearm)

On or about June 29, 2021, in the State and District of Minnesota, the defendant,

WILLIAM HOWARD PROTO, JR.,



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having previously been convicted of the following felony crimes, each of which was punishable by imprisonment for a term exceeding one year,

Crime	Jurisdiction	Date of Conviction (in or about)
1 st Degree Sale of Controlled Substance	Dakota County	July 2000
Prohibited Person in Possession of Firearm	Dakota County	July 2000
Prohibited Person in Possession of Firearm	Dakota County	September 2008
Prohibited Person in Possession of Firearm	Dakota County	June 2012
Criminal Vehicular Operation - Under Influence of Controlled Substance	Ramsey County	November 2012
Prohibited Person in Possession of Firearm	Ramsey County	June 2016

and knowing he had been convicted of at least one crime punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting interstate commerce, a Ruger SP101 .357 Magnum revolver (serial number 572-97805), all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 3

(Possession with Intent To Distribute a Controlled Substance)

On or about August 19, 2021, in the State and District of Minnesota, the defendant,

WILLIAM HOWARD PROTO, JR.,

did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 4
(Felon in Possession of a Firearm)

On or about August 19, 2021, in the State and District of Minnesota, the defendant,

WILLIAM HOWARD PROTO, JR.,

having previously been convicted of the following felony crimes, each of which was punishable by imprisonment for a term exceeding one year,

Crime	Jurisdiction	Date of Conviction (in or about)
1 st Degree Sale of Controlled Substance	Dakota County	July 2000
Prohibited Person in Possession of Firearm	Dakota County	July 2000
Prohibited Person in Possession of Firearm	Dakota County	September 2008
Prohibited Person in Possession of Firearm	Dakota County	June 2012
Criminal Vehicular Operation - Under Influence of Controlled Substance	Ramsey County	November 2012
Prohibited Person in Possession of Firearm	Ramsey County	June 2016

and knowing he had been convicted of at least one crime punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting interstate commerce, a Ruger nine-millimeter semiautomatic handgun (serial number 382-46168), all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 5
(Possession of a Firearm In Furtherance of Drug Trafficking)

On or about August 19, 2021, in the State and District of Minnesota, the defendant,

WILLIAM HOWARD PROTO, JR.,

did knowingly and intentionally, and in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, possession with intent to

distribute a controlled substance as charged in Count 3 of this Superseding Indictment, did possess a firearm, namely, a Ruger nine-millimeter semiautomatic handgun (serial number 382-46168), all in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATIONS

Counts 1-5 of this Superseding Indictment are hereby realleged and incorporated as if fully set forth herein, for the purpose of alleging forfeitures.

If convicted of Count 1 and/or Count 3 of this Superseding Indictment, the defendant shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a)(1) and (2), any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of that offense, including but not limited to the following: approximately \$56,956.00 in U.S. currency and a Ruger SP101 .357 Magnum revolver (serial number 572-97805), both located in the defendant's vehicle in connection with his arrest on June 29, 2021; and approximately \$6,700 in U.S. currency, a Ruger nine-millimeter semiautomatic handgun (serial number 382-46168), and a black and silver assault-style rifle with no serial number, all seized in connection with the defendant's arrest on August 19, 2021.

If convicted of Count 2, Count 4, and/or Count 5 of this Superseding Indictment, the defendant shall forfeit to the United States any firearms, accessories and ammunition involved in or used in connection with the violation including, but not limited to a Ruger SP101 .357 Magnum revolver (serial number 572-97805), a Ruger nine-millimeter semiautomatic handgun (serial number 382-46168), and a black and silver assault-style

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rifle with no serial number, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p).

A TRUE BILL

ACTING UNITED STATES ATTORNEY

FOREPERSON